REMARKS

Prior to this amendment, claims 22-26, 34, and 36-40 were pending in this application, with claims 22-25 and 40 withdrawn from consideration. To place this application in condition for allowance, withdrawn claims 22-25 and 40 are now canceled. Also, claims 34, 38, and 39 are now canceled.

Claim 26 is amended to more clearly define the subject matter. Support for this amendment can be found in the specification at page 9, lns. 9-17.

These after-final amendments do not raise any new issue that would require further consideration and/or search by the Examiner. Further, these amendments place this application in condition for allowance, or alternatively, in better condition for appeal. Therefore, Applicants respectfully request entry of these amendments and allowance of the claims as amended.

TERMINAL DISCLAIMER AND DOUBLE PATENTING REJECTIONS

Claims 26, 34, and 36-39 were rejected for obviousness-type double patenting over claims 3-10 of U.S. Patent No. 6,197,051 and claims 1-6 of U.S. Patent No. 6,723,121. Without acquiescing to the propriety of this double patenting rejection, in order to advance prosecution of this application, terminal disclaimers (signed by an attorney of record) over U.S. Patent Nos. 6,723,121 and 6,197,051 are filed. Applicant respectfully requests withdrawal of these rejections.

REJECTIONS UNDER § 112

Claims 26, 34, and 36-39 were rejected under § 112, second paragraph, for indefiniteness. The Office Action contends that it is unclear whether the claims recite a coating composition only or a coating combined with a medical device.

Claims 34, 38, and 39 are canceled, thus making it clear that claims 26, 36, and 37 are directed to a coating composition, as recited in the preamble of claim 26. Applicant submits that claims 26, 36, and 37 are now in compliance with § 112, second paragraph, and request allowance of these claims.

REJECTIONS UNDER § 102

Claims 26, 34, and 36-39 were rejected under § 102(b) as being anticipated by U.S. Patent No. 4,994,167 (Shults et al.). Claims 34, 38, and 39 are canceled. Applicant respectfully request the reconsideration of claims 26, 36, and 37.

Claim 26 recites a composition having "a molar excess of a polyfunctional cross-linking agent relative to the organic acid functional groups in the polycarbonate-polyurethane composition."

Shults refers to Baybond 123, which is described as being a "polycarbonate urethane polymer" (see col. 13, lns. 28-30). *Shults* also states: "[t]he polyurethane polymer is crosslinked in the presence of the polyvinylpyrrolidone by preparing a premix of the polymers and adding a cross-linking agent just prior to the production of the membrane" (col. 13, lns. 52-55).

Applicant respectfully disagrees with the assertion in the Office Action that "since BAYBOND 123 or Bayhydrol 123 are acceptable materials for the invention as disclosed, they inherently contain an excess of polyfunctional crosslinking agent" (Office Action 1/29/2007, bottom of page 4). *Shults* does not indicate that either BAYBOND 123 or Bayhydrol 123 contains a cross-linking agent. Rather, *Shults* describes combining Baybond 123 with cross-linking agents. Nevertheless, *Shults* fails to disclose that the cross-linking agents are in molar excess of the organic acid functional groups on the polycarbonate urethane polymers in Baybond 123. For at least these reasons, Applicant submits that *Shults* does not anticipate claims 26, 36 and 37 and request allowance of these claims.

CONCLUSION

Applicant respectfully submits that the present application is now in condition for allowance. The Examiner is invited to contact Applicant's representative to discuss any issue that would expedite allowance of this application. The Commissioner is authorized to charge all required fees, fees under § 1.17, or all required extension of time fees, or to credit any overpayment to Deposit Account No. 11-0600 (Kenyon & Kenyon LLP).

Respectfully submitted,

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